

ZONING BOARD OF APPEALS

The hearing on Tuesday, April 2, 2024, is called to order by Chairman Kalinowski at 7:00 pm.

Members present: John Jimenez

Greg Kalinowski

Jim Lembke

Ron Carey

Robert Schafer, Alternate

Also: Phyllis Todoro, Town Atty

Ray Balcerzak, Building Insp

Absent: Harry Kwiek

Shawn Pralow

Appeals Case #1452 for 1120 Bullis Road LLC of 1120 Bullis Road, Elma, NY who are requesting an area variance to install a second roadside sign on the property §144-102.1 B 1 (e), C-2.

Joe Young from Young Development was present to go over the case. They are trying to get an additional sign at the Young Development entrance, the increase in business that Young Development is doing is creating some confusion on where to enter the establish. They are only looking for a variance for an additional sign, the sign would meet all the other guidelines.

Mr. Jimenez asked the size of the sign, and the reply was that the existing sign is 60 square feet, the highest is 100 square feet so there is only 40 feet additional that this sign could be. Mr. Jimenez asked when Young Development was relocated to that building and it has been there for quite some time. Fortunately, the business has grown and needs its own signage. Mr. Jimenez asked if there would be a need down the road for any additional signs and the answer was not that he could see. It was asked if the current sign could be redesigned to have both company names on one sign. It was considered but it would be difficult to have the same signage to enter the nursely for the Young Development side. A separate entrance would make sense and that it is 25 feet off the road, Mr. Jimenez asked how far from the stop sign that sign would be and Mr. Young was not sure how far the stop sign is but the new sign is at least 25 feet from the road, Mr. Balcerzak confirmed that the sign would be in the right spot.

Mr. Carey asked how far apart the signs are and it maybe a couple of hundred feet, Mr. Balcerzak said he would try and figure the distance. Mr. Carey asked if the signs would be similar, and the reply was that they would have the same look. Mr. Carey said it looks like there is enough distance between both signs.

Mr. Kalinowski asked about the profile and if the development sign would block the view for the Seasonal sign and Mr. Young said the new sign would be lower.

Mr. Schafer asked about the variance and if the dimensions of the sign were given at that time and if they were approved. The paperwork says double sided aluminum and Mr. Schafer asked the hours of the business and it will be the same hours as the current sign for Seasonal Nursely.

Mr. Kalinowski asked if the property size is the same or if other property has been purchased and the reply was it is the same size.

In favor of the variance were: Paul Derringer – 1160 & 1170 Bullis Road

John Roney – 401 North Davis Road

No one spoke against the variance.

Mr. Schafer made the motion for appeals Case #1452 for 1120 Bullis Road LLC of 1120 Bullis Road, Elma, NY who are requesting an area variance to install a second roadside sign on the property 144-102.1 B1e, C-2 to approve the variance based on the following criteria:

- 1.) No other means to create a sign.
- 2.) No adverse effect to the area

- 3.) No undesirable change to the neighborhood
- 4.) Not substantial in size and within the code
- 5.) Not self-created, necessary for a second sign

The sign will not flash or scroll. Seconded by Mr. Lembke Ayes-5. Nays-0.

Appeals Case #1453 for John Roney of 401 North Davis Road, Elma, NY who is requesting an area variance to construct a 12' by 20' carport/garage with less than the required 50 feet front setback §144-98 C4, Residential B.

Mr. Roney was present and explained what he was looking for. The carport/garage is a metal building, three sides and right up against the other garage. It will match the look of the house and look nice without affecting the visibility at all. The traffic coming off Sullivan will be able to see to pull out onto North Davis.

The anchorage will be going into the ground in the driveway. Mr. Lembke asked about the rating for the high winds and Mr. Roney said he is going with 4-foot beams and not 5-foot beams. This will make the building stronger, and it will be able to withstand the weather elements. Mr. Lembke asked if it is a local installer and it is not, they are coming in from North Carolina. It will look like a garage with a roll up door. There is already electricity in the current garage that he will draw off.

Mr. Schafer asked if he was building the building and was informed that Carport Depot is the name of the company, and they will send their staff here to install the unit. It is built like a manufactured home.

Mr. Jimenez asked about the existing trees and if they are being cleared out and if they will impact anyone's vision and Mr. Roney again stated that he has trimmed the trees to allow for visibility on pulling out. Mr. Jimenez asked about the structure and if he thinks it will last and Mr. Roney said he did his research with the company and the work is guaranteed. There is a 20-year warranty on the building.

Mr. Kalinowski asked what the side of the building would look like, and Mr. Roney stated there is a building across the street from the Town Hall that it is like. It will have some depth to the look of the building. It will have one garage door.

No one spoke in favor or against the variance.

Mr. Jimenez made the motion for Appeals Case #1453 for John Roney of 401 North Davis Road, Elma, NY who is requesting an area variance to construct a 12' by 20' carport/garage with less than the required 50 feet front setback §144-98 C4, Residential B to approve the variance based on the following criteria:

- 1) An undesirable change would not be known.
- 2) The benefit could not be achieved another way.
- 3) The request is not substantial.
- 4) The request would not have an adverse physical or environmental effect.
- 5) The alleged difficulty is not self-created.

Seconded by Mr. Schafer Ayes-5. Nays-0.

The motion to adjourn was made by Mr. Jimenez and seconded by Lembke.

Respectfully submitted,

Kerry Galuski
Zoning Board Secretary